

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MICHAEL A. FISHER,

Petitioner,

v.

PAT HURLEY,

Respondent.

Case No. 2:04-cv-622

JUDGE MARBLEY

Magistrate Judge KEMP

ORDER

Petitioner, a state prisoner, brings this action for a writ of habeas corpus pursuant to 28 U.S.C. §2254. On September 30, 2004, proceedings were stayed pursuant to petitioner's request so that he could exhaust state court remedies. *See* Doc. No. 7. On October 12, 2005, petitioner filed a notification indicating that he has completed state court action regarding his claims.

Proceedings in this case therefore are **REACTIVATED**. The petition is amended to include petitioner's previously unexhausted claim of ineffective assistance of counsel.

Respondent shall file a Return of Writ within twenty (20) days of the date of this order which contains all of the information required by Rule 5 of the Rules Governing Section 2254 Cases in the United States District Court, and which attaches all of the material required by that Rule. It shall also present respondent's arguments as to why the writ should not be granted and whether an evidentiary hearing is needed under the criteria set forth in 28 U.S.C. §2254 (e)(2). Petitioner may

file a response within fifteen (15) days thereafter.

IT IS SO ORDERED.

/s/ Terence P. Kemp
United States Magistrate Judge